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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/071,091
Filing Date: February 07, 2002
Appellant(s): KIKINIS, DAN

ELIZABETH A. ALMETER
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/20/09 appealing from the Office action mailed 02/05/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,728,966	ARSENAULT ET AL	4-2004
5.155,831	EMMA ET AL.	10-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A1 Claims 1-8, 12-14, 29-36, 40-42, 67 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by **Arsenault et al (6,728,966)**.

As to claims 1-2, note the **Arsenault** reference figures 1-3, discloses an electronic television program guide (EPG) data naming system and method and further disclose a method and a system for implementing an electronic program guide (EPG), the method/system comprising:

Receiving (34) programming information (EPG data) from a source (fig.1, col.4, lines 27-46);

Storing the received programming information comprising information about individual programs, in its entirety, in data storage area; responsive to the received programming information being stored in its entirety, continuously scanning the data storage area, in a cyclical manner, to identify and remove data entries meeting a first predetermined criterion (col.4, line 47-col.5, line 6, lines 57-col.6, line 31, line 55+ and col.7, lines 15+); responsive to storing the received programming information in its

entirety, partitioning the data storage area into a plurality of discrete storage area based on a predefined criterion (tile Categorizes a group of labels, col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40), note that the IRD-36 receives and stores the EPG data in its entirety (col.6, lines 55-col.7, line 46) and upon storing the received EPG data in its entirety, partitions the storage to a plurality of discrete storage areas and categorizes a group of labels (a-f) and stores these labels accordingly in the discrete storage areas (figs.3+ and col.8, line 40-col.9, line 40).

As to claim 3, Arsenault further discloses where the EPG data further comprises tokens, including compressed forms of the information about individual programs used to describe the individual programs and a meaning associated with the tokens is stored in a token dictionary and is modifiable (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claim 4, Arsenault further discloses where the predefined criterion comprises temporal relationship between the individual programs in the received program information and comprises a numeric relationship between token numbers associated with the tokens (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claim 5, Arsenault further discloses where the predefined criterion comprises a numeric relationship between token numbers associated with the tokens (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claim 6, Arsenault further discloses where a size of each data storage area is selected to store program information about programs to be broadcast over a define time interval (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claims 7 and 8, Arsenault further discloses referencing the information stored in each discrete storage area using a storage area identifier to identify the information within a storage area and an index of storage area identifiers and where the storage area identifiers form a pointer chain (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claims 12-13, Arsenault further discloses determining that specific programming information is required, which comprises checking if a user has input a request for specific programming information, checking whether the programming information stored in the discrete storage areas is incomplete for want of specific programming information and requesting the specific programming information from the source (col.6, line 55-col.7, line 46 and col.8, line 40-col.9, line 40).

As to claims 29-30, the claimed "A system for implementing an electronic program guide..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 31 is met as previously discussed with respect to claim 3.

Claim 32 is met as previously discussed with respect to claim 4.

Claim 33 is met as previously discussed with respect to claim 5.

Claim 34 is met as previously discussed with respect to claim 6.

Claims 35-36 are met as previously discussed with respect to claims 7 and 8.

Claims 40-42 are met as previously discussed with respect to claims 12-14.

Claims 67 and 68 are met as previously discussed with respect to claim 3.

A2. Claims 9-11, 37-39, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arsenault et al (6,728,966)** as applied to claims 1, 7, 29 and 36 above and further in view of **Emma et al (5,155,831)**.

As to claims 9-11 and 37-39, Arsenault further discloses memory management, but fails to explicitly teach where the discrete storage area is reference by an empty identifier to indicate that the discrete storage area is available for storing new information.

However, note the **Emma** reference figures 1-3, discloses data processing system with fast queue store interposed between store-through caches and main memory and further discloses making room for new entries by reference an empty identifier to oldest or least recently data to be removed (abstract, col.3, line 60-col.4, line 17, col.5, line 23-col.6, line 31 and col.7, lines 18-38).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Emma into the system of Ellis in order to update the memory in a fast and efficient manner.

As to claims 69 and 70, Arsenault further discloses memory management, but silent as to where the first predetermined criterion is the data is expired.

However, note the **Emma** reference figures 1-3, discloses data processing system with fast queue store interposed between store-through caches and main memory and further discloses making room for new entries by overriding the oldest or least recently data to be removed (abstract, col.3, line 60-col.4, line 17, col.5, line 23-col.6, line 31 and col.7, lines 18-38).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Emma into the system of Arsenault to provide an expiration time for the received data in order to free up memory space for new entries and update the memory in a fast and efficient manner.

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed.

(a) Appellant discusses the rejection, the prior arts of record and the claimed invention, making references that the prior art of record, **Arsenault et al (6,728,966)** and **Emma et al (5,155,831)**, do not teach the claims limitations, that **Arsenault "...fails to teach or suggest the claim features of claim 1..."** that **"...no teaching or suggestion of data being stored in its entirety..."** (see page 5 of Appellant's Brief).

In response, Examiner disagrees with assertion for several reasons. Appellant(s) has mischaracterized the Arsenault reference by making references to a few cited portions. Arsenault discloses an IRD-36 which receives and stores (**all**) the EPG data. Note that col.6, line 55-col.7, line 46 recite **"...one embodiment of the present invention for receiving and storing content records 100 (col.6, lines 55-57), such as the program guide data, at the local receiver unit (IRD) 36. Digital content records 100 are used to create..."** In other words, Arsenault's system receives all the EPG data (i.e. in its entirety) in order to create (implement) the display of the program guide. In general, program guide is continuous information because it is transmitted to the user on an hourly, daily or weekly basis. Therefore, a user terminal can receive the EPG data in its entirety for a specific category (or set of data) or time period. It can

receive the EPG data in it's entirety for "sports" (a category) or data for a specific hour, day or week.

(b) Appellant argues that Arsenault removes redundancy and filters out packets that are not currently of interest and "determine what will be saved and what will be discarded" (page 5, second and third paragraphs of the brief).

In response, Examiner believes that Arsenault's system filters packet data including header, control information and unwanted packets but stores all the EPG data that is directed to a particular receiver. See col. 6, lines 5-11. The examiner believes that Appellant's system also filters header and other unwanted packet data but stores all the intended EPG for a particular receiver. In other words, that is how all digital or packet based systems work!

(c) Appellant argues that Arsenault fails to teach "partitioning the data storage area into a plurality of discrete storage areas..." (page 5, last paragraph of the brief).

In response, the examiner believes Arsenault **partitions the storage to a plurality of discrete storage areas and categorizes a group of labels (a-f, figure 3) and stores these labels accordingly in the discrete storage areas.** (See figs.3+ and col.8, line 40-col.9, line 40). Arsenault further discloses responsive to the received programming information being stored (i.e. all the EPG data or the entire EPG), continuously scanning the data storage area (RAM) in a cyclical manner to identify and remove data entries meeting a first predetermined criterion (col.4, line 47-col.5, line 6, lines 57-col.6, line 31, line 55+ and col.7, lines 15+).

(d) Appellant argues that Arsenault fails to teach "tokens" and "compressed forms of information" with respect to claims 3 and 31 on page 6 of the brief.

In response, the examiner believes that Arsenault (col.4, line 47-col.5, line 6, lines 57-col.6, line 31, line 55+ and col.7, lines 15+col. 8, line 40 – col. 9, line 40) creates labels, categorizes a group of labels where the labels hold compressed forms of information about individual programs, which meets Appellant claim limitations "...tokens, including compressed forms of the information about individual programs, used to describe the individual programs and a meaning associated with the tokens."

Hence the rejection is deemed proper, meets all the claims limitations and should be sustained.

As to the 103(a) rejection, Arsenault is silent as to where the discrete storage area is reference by an empty identifier to indicate that the discrete storage area is available for storing new information. However, in the same field of endeavor this deficiency is disclose in Emma reference figures 1-3, which discloses data processing system with fast queue store interposed between store-through caches and main memory, which makes room for new entries by reference an empty identifier to oldest or least recently data to be removed (see abstract, col.3, line 60-col.4, line 17, col.5, line 23-col.6, line 31 and col.7, lines 18-38). In any event, the Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skilled in the art, including non-preferred/preferred embodiments. Hence the rejection is deemed proper, meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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